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GAROLD S. FERGALD

BY _____
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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IN THE MATTER OF:

AUTHORIZING NATIONAL PARK
SERVICE PERSONNEL TO ACCEPT
PRESCRIBED BAIL AND CONDITIONALLY
RELEASE CERTAIN VIOLATORS AND
OFFENDERS AND TO SET A
FORFEITURE OF COLLATERAL IN
LIEU OF PERSONAL APPEARANCE
RELATIVE TO VIOLATIONS OF
FEDERAL REGULATIONS APPLICABLE
AT THE LAKE MEAD NATIONAL
RECREATION AREA.

AMENDED SPECIAL ORDER NO. 17

IT IS ORDERED that for all week-end and/or holiday violations and offenses of Federal Regulations, expressly or otherwise warranting mandatory appearances, and/or arrest and physical custody and detention, the National Park Service at Lake Mead National Recreation Area, in exercise of sound judgment and discretion, may hereafter, in lieu of physical custody and detention of an alleged offender, release any such cited person by the posting of a cash bail as per the attached Bail Schedule or with option, based upon justifiable circumstances, to set bail up to the amount FIVE HUNDRED DOLLARS (\$500.00), hereby fixed as reasonable and minimally acceptable for such cited offenses; and

1 IT IS FURTHER ORDERED that any such release on the
2 posting of bail in the aforesaid amount shall further be
3 evidenced by execution of the approved form of ORDER FOR
4 APPEARANCE and APPEARANCE BOND, with attachment thereto of the
5 written condition that the cited and released offender is
6 required to appear before the United States Magistrate at Las
7 Vegas, Nevada, on a day and time certain; and

8 IT IS FURTHER ORDERED AND DIRECTED that National Park
9 Service personnel at Lake Mead National Recreation Area shall
10 only accept cash bail in the said authorized and prescribed
11 amounts against official receipt, noting the case incident
12 number on the official receipt, the order for appearance form,
13 Violation Notice and the Appearance Bond; and

14 IT IS FURTHER ORDERED that National Park Service
15 personnel at Lake Mead National Recreation Area shall promptly
16 and fully deposit and make accounting for all posted and
17 received bail monies accepted by them as above provided,
18 together with related Notices of Citation and Appearance Bonds,
19 to the Clerk of the Court, United States District Court,
20 District of Nevada, on the very next succeeding work-day from
21 and after the date of acceptance of receipt of any such posted
22 bail monies.

23 IT IS FURTHER ORDERED that persons charged with
24 violation of Title 36, Code of Federal Regulations, Title 16,
25 United States Code, Section 3 (National Park Service) or under
26 applicable state statute by virtue of the Assimilative Crime Act

1 (Title 18, United States Code, Section 13) listed herein may
2 waive an appearance before a United States Magistrate and
3 dispose of the matter by forfeiting pre-set collateral to the
4 United States District Court, Las Vegas, Nevada. When such
5 collateral is forfeited it shall be equivalent to a conviction.

6 Nothing contained in this rule shall prohibit a law
7 enforcement officer from arresting a person for the commission
8 of any offense, including those for which collateral may be
9 posted and forfeited, and requiring the person to immediately
10 appear before a United States Magistrate.

11 Nothing contained in this rule shall prohibit a law
12 enforcement officer from filing a complaint before a United
13 States Magistrate for any offense, including those for which
14 collateral may be posted and forfeited, in lieu of issuing a
15 violation notice.

16 IT IS FURTHER ORDERED that the Custody Release Bail
17 (cash bail) is hereby set at two (2) times the pre-set
18 collateral amount, not to exceed two hundred fifty dollars
19 (\$250.00). The two hundred fifty dollar (\$250.00) limitation
20 may be amended up to five hundred dollars (\$500.00) based on
21 justifiable circumstances.

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26 . . .

<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
PART 1 - <u>GENERAL PROVISIONS</u>		
36 CFR 1.5 (f) violating a closure, designa- tion, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited; violation of terms and conditions of permit is prohibited	25	50
36 CFR 1.6 violation of the terms and conditions of a permit is prohibited	100	200
PART 2 - <u>RESOURCE PROTECTION, PUBLIC USE AND RECREATION</u>		
36 CFR 2.1 (a) the following are prohibited:		
(1) possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:		
(i) living or dead wildlife or fish, or the parts of products thereof	50	100
(ii) plants or the parts or products thereof	50	100
(iii) non-fossilized and fossilized specimens, cultural or archeological resources, or the parts thereof	100	200
(iv) mineral resource or cave formation or the parts thereof	100	200
(2) introducing wildlife, fish or plants, including their reproductive bodies, into a park area	100	200
(3) tossing, throwing or rolling rocks or other items inside caves or caverns, into valleys, canyons, or caverns, down hillsides or mountainsides, or into thermal features	50	100
(4) using or possessing wood gathered from within the park area, except where Superintendent designates	50	100

1			
2	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
3	(5) walking on, climbing, entering,		
4	ascending, descending, or traversing an		
5	archeological or cultural resource,		
	monument or statute, except in		
	designated areas	50	100
6	(6) possessing, destroying, injuring,		
7	defacing, removing, digging, or		
8	disturbing a structure or its		
	furnishings or fixtures or other		
	cultural or archeological resources	100	200
9	(7) possessing or using a mineral or		
10	metal detector, magnetometer, side scan		
11	sonar, other metal detecting device, or		
	subbottom profiler	50	100
12	(b) leaving a trail or walkway to		
13	shortcut between portions of the same		
14	trail or walkway, or to shortcut to an		
	adjacent trail or walkway in violation		
	of designated restrictions is pro-		
	hibited	25	50
15	(c)(3) the following are prohibited:		
16	(i) gathering or possessing		
	undesignated natural products	25	50
17	(ii) gathering or possessing natural		
18	products in violation of the size		
	or quantity limits designated by		
	the Superintendent	25	50
19	(iii) unauthorized removal of natural		
	products from the park areas	50	100
20	(iv) gathering natural products out-		
	side of designated areas	25	50
21	(v) sale or commercial use of natural		
	products		M/A
22	36 CFR		
23	2.2		
	(a) the following are prohibited		
24	(1) taking of wildlife	500	250
25	(2) feeding, touching, teasing,		
26	frightening or intentional disturbing of		
	wildlife nesting, breeding or other		
	activities	50	100

M/A - Mandatory Appearance

1				
2	<u>VIOLATION</u>	<u>PRE-SET</u>	<u>COLLATERAL</u>	<u>CUSTODY</u>
3				<u>RELEASE</u>
4				<u>BAIL</u>
3	(3) possessing unlawfully taken wildlife or portions thereof	250		250
4				
5	(4) discharging a weapon, except where hunting is allowed	50		100
6	(b)(4) hunting in accordance with Federal and State laws	50		100
7				
8	(d) violation of conditions or procedures for transporting wildlife through park area	50		100
9				
10	(e) viewing wildlife with artificial light in closed area	100		200
11	36 CFR			
12	7.48			
13	(e) unless otherwise designated, fishing in any manner authorized under applicable state law is authorized	50		100
14	36 CFR			
15	2.3			
16	(d) the following are prohibited:			
17	(1) fishing in fresh water in manner other than with hook and line, with the rod or line being closely attended	50		100
18	(4) commercial fishing except where specifically authorized			M/A
19	(5) fishing by use of drugs, poisons, explosives, or electricity	500		250
20	(7) failure to return immediately to water unauthorized or unwanted fish	25		50
21				
22	(8) fishing from or within 200 feet of bridge or within limits of designated swimming, surfing area or public dock	25		50
23				
24	. . .			
25	. . .			
26				

1			PRE-SET	CUSTODY
2	<u>VIOLATION</u>		<u>COLLATERAL</u>	<u>RELEASE</u>
3				<u>BAIL</u>
4		(e) fishing with spear, net or weapon shall be in accordance with state law	50	100
5	36 CFR			
6	2.4	(a) possessing, using, discharging or carrying a weapon, trap or net	50	100
7		(b) carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation that is underway or being used as a shooting platform	100	200
10		(c) endangering persons or property by use of a weapon, trap or net	100	200
11		(d) violation of permit to carry or possess weapon, trap or net	100	200
13		(f) carrying or possessing weapon, trap or net in violation of applicable Federal or State laws	100	200
15	36 CFR			
16	2.5	(a) taking plants, fish, wildlife, rocks or minerals not in accordance with other regulations or pursuant to the terms and conditions of a specimen collection permit	100	200
18		(h) violation of terms and conditions of permit	100	200
20	36 CFR			
21	2.10	(b) the following are prohibited:		
22		(1) digging or leveling ground at campsite	25	50
23		(2) leaving camping equipment, site alterations or refuse after departing from campsite	25	50
25	. . .			
26				

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
3	(3) camping within 25 feet of a water hydrant or main road, or within 100 feet of a flowing stream, river or body of water, except as designated	25	50
6	(4) creating or sustaining unreasonable noise between hours of 10:00 p.m. and 6:00 a.m.	50	100
8	(5) installation of permanent camping facilities	50	100
10	(6) displaying wildlife carcasses or other remains or parts thereof	50	100
11	(7) connecting to a utility system, except as designated	25	50
12	(8) failing to obtain permit	25	50
14	(9) violating conditions which may be established by Superintendent	50	100
15	(10) camping outside of designated sites or areas	25	50
17	(c) violation of terms and conditions of permit	50	100
18	(d) failure to properly store food, etc.	25	50
19	36 CFR 2.11		
20	picknicking in closed areas or in violation of established conditions	25	50
21	36 CFR 2.12		
22	(a) the following are prohibited:		
23	(1) operation of motorized equipment, or audio device in a manner exceeding:		
24	(i) noise level of 60 descibles	50	100
25	(ii) reasonable noise	50	100
26	(2) operating power saw without permit in developed areas	25	50

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2			
3	(3) operating motor or engine with-	50	100
4	out permit in undeveloped areas		
5	(4) operating public address system	50	100
6	without permit		
7	(b) violation of terms and	50	100
8	conditions of a permit		
9	36 CFR		
10	2.13		
11	(a) the following are prohibited:		
12	(1) lighting or maintaining a fire	25	50
13	in undesignated area		
14	(2) using stoves or lanterns in	25	50
15	violation of established restrictions		
16	(3) lighting, tending or using a	50	100
17	fire, stove or lantern in a manner		
18	that threatens, causes damages to, or	50	100
19	results in the burning of property,		
20	real property or park resources, or	50	100
21	creates a public safety hazard		
22	(4) leaving a fire unattended	50	100
23	(5) throwing or discarding lighted		
24	or smoldering material in a manner	50	100
25	that threatens, causes damage to, or		
26	results in the burning of property or	50	100
	park resources, or creates a public		
	safety hazard	50	100
	(b) failure to extinguish fire	25	50
	properly		
	36 CRF		
	2.14		
	(a) the following are prohibited:		
	(1) disposing of refuse in other than	25	50
	refuse receptacles		
	(2) use of Government receptacles	50	100
	for unauthorized refuse		
	(3) depositing refuse in plumbing	25	50
	fixtures or vaults of a toilet		
	facility		

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2			
3	(4) draining refuse from a trailer		
4	or other vehicle in unauthorized area	25	50
5	(5) bathing or washing food,		
6	clothing, dishes, or other property		
7	at public water outlets, fixtures or		
8	pools in undesignated area	25	50
9	(6) polluting or contaminating park		
10	area waters or water courses	100	200
11	(7) disposing of fish remains on		
12	land, or in waters within 200 feet of		
13	boat docks or designated swimming		
14	beaches or within developed areas,		
15	except as designated	25	50
16	(8) improper disposal of human body		
17	waste in developed areas	100	200
18	(9) disposal of human body waste		
19	within 100 feet of a water source,		
20	high water mark of a body of water,		
21	or a campsite, or within sight of a		
22	trail, in undeveloped areas, except		
23	as designated	100	200
24	(b) violation of disposal,		
25	containerization, or carryout		
26	conditions	50	100
	36 CFR		
	2.15		
	(a) the following are prohibited:		
	(1) possessing a pet in a public		
	building, public transportation		
	vehicle or location designated as a		
	swimming beach, or any structure or		
	area closed to the possession of		
	pets	25	50
	(2) failing to crate, cage, restrain		
	on a leash which shall not exceed six		
	feet in length, or otherwise		
	physically confine pet at all times	25	50
	(3) leaving pet unattended and tied		
	to an object, except in designated		
	areas	25	50

1			
2	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
3	(4) allowing pet to make noise that		
4	is unreasonable	50	100
5	(5) failing to comply with pet excre-		
6	ment disposal conditions	25	50
7	(b) pets used in hunting activities		
8	must be in accordance with Federal and		
9	State laws	100	200
10	(e) violation of conditions by		
11	residents	25	50
12	36 CFR		
13	2.16		
14	(a) use of animals other than those		
15	designated as "pack animals" for		
16	purposes of transporting equipment	25	50
17	(b) use of horses or pack animals		
18	outside of trails, routes or areas		
19	designated for their use	100	200
20	(c) use of horses or pack animals on		
21	park roads, except as provided	25	50
22	(d) free-trailing or loose-herding of		
23	horses or pack animals on trails,		
24	except as designated	100	200
25	(e) allowing horses or pack animals		
26	to proceed in excess of slow walk when		
	passing in the immediate vicinity of		
	persons on foot or bicycle	100	200
	(f) obstructing a trail, or making an		
	unreasonable noise or gesture, while		
	horses or pack animals are passing	100	200
	(g) violations of conditions		
	established by Superintendent	25	50
	36 CFR		
	2.17		
	(a) the following are prohibited:		
	(1) operating or using aircraft on		
	lands or waters in undesignated areas	100	200

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2			
3	(2) operating or using aircraft under		
4	power on the water within 500 feet of		
5	locations designated as swimming		
6	beaches, boat docks, piers, or ramps,		
7	except as otherwise designated	100	200
8	(3) delivering or retrieving a person		
9	or object by parachute, helicopter or		
10	other airborne means, except in		
11	emergencies involving public safety or		
12	serious property loss, or pursuant to		
13	terms and conditions of permit	250	250
14	(c)(2) failure to comply with		
15	procedures and conditions established		
16	for removal of downed aircraft in		
17	(c)(1)		M/A
18	(d) use of aircraft shall be in		
19	accordance with FAA regulations	100	200
20	(e) operation or use of hovercraft		
21	is prohibited	100	200
22	(f) violation of terms and conditions		
23	of permit	100	200
24	36 CFR		
25	2.18		
26	(b) state laws shall govern equipment		
27	standards and operation	25	50
28	(c) use of snowmobile prohibited,		
29	except in designated areas	50	100
30	(d) the following are prohibited:		
31	(1) operating a snowmobile that makes		
32	excessive noise	50	100
33	(2) operating a snowmobile without		
34	lighted white headlamp and red		
35	taillight from 1/2 hour after sunset		
36	to 1/2 hour before sunrise, or when		
37	persons and vehicles are not clearly		
38	visible for a distance of 500 feet	25	50
39	(3) operating a snowmobile with		
40	brakes not in good working order	25	50

1			
2	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
3	(4) racing or operating a snowmobile		
4	in excess of 45 mph or the posted		
	limit	50	100
5	(e) except where State law prescribes,		
6	the following are prohibited:		
7	(1) operation of a snowmobile by a		
8	person under 16 years of age unless		
	accompanied and supervised within line		
	of sight by a responsible person 21		
	years of age or older	25	50
9	(2) operation of a snowmobile by a		
10	person under 12 years of age, unless		
11	accompanied on the same machine by a		
	responsible person 21 years of age or		
	older	25	50
12	(3) supervision by one person of the		
13	operation of snowmobiles by more than		
	one person under 16 years of age	25	50
14	36 CFR		
15	2.19		
16	(a) skiing, snowshoeing, ice skating,		
17	sledding, innertubing, tobogganing, and		
	similar winter sports are prohibited on		
	park roads and in parking areas open to		
	motor vehicle traffic, except as		
	otherwise designated	25	50
18	(b) towing persons on skis, sleds, or		
19	other sliding devices by motor vehicle		
20	or snowmobile is prohibited, except in		
	designated areas or routes	25	50
21	(c) failure to abide by area		
	designations or activity restrictions	25	50
22	36 CFR		
23	2.20		
24	using roller skates, skateboards,		
	roller skis, coasting vehicles, or		
	similar devices is prohibited, except		
	in designated	25	50
25			
26	. . .		

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2			
3	36 CFR		
4	2.21 (a) smoking not allowed in design-	25	50
5	ated areas		
6	(b) smoking is prohibited within all	25	50
7	caves and caverns		
8	36 CFR		
9	2.22 (a) the following are prohibited:		
10	(1) abandoning property	100	200
11	(2) leaving property unattended for		
12	longer than 24 hours, except in		
13	designated areas, or in accordance		
14	with conditions established by		
15	Superintendent	25	50
16	(3) failing to turn in found		
17	property to Superintendent	50	100
18	36 CFR		
19	2.23 (b) failure to pay required fees	25	50
20	36 CFR		
21	2.30 (a) the following are prohibited:		
22	(1) obtaining or exercising unlawful		
23	possession over the property of		
24	another with the purpose to deprive		
25	the owner of the property		M/A
26	(2) obtaining property or services		
	offered for sale or compensation		
	without making payment or offering to		
	pay	100	200
	(3) obtaining property or services		
	offered for sale or compensation by		
	means of deception or a statement of		
	past, present or future fact that is		
	instrumental in causing the wrongful		
	transfer of property or services, or		
	using stolen, forged, expired,		
	revoked or fraudulently obtained		
	credit cards or paying with		
	negotiable paper on which payment is		
	refused.		M/A

1			PRE-SET	CUSTODY
2	<u>VIOLATION</u>		<u>COLLATERAL</u>	<u>RELEASE</u>
3		(4) concealing unpurchased merchan-		
4		dise on or about the person without		
5		the knowledge or consent of the seller		
6		or paying less than purchase price by		
7		deception	100	200
8		(5) acquiring or possessing the		
9		property of another, with knowledge or		
10		reason to believe that the property is		
11		stolen		M/A
12	36 CFR			
13	2.31	(a) the following are prohibited:		
14		(1) trespassing, entering or		
15		remaining in or upon property or real		
16		property not open to the public,		
17		except with express invitation or		
18		consent of person having lawful		
19		custody of the property or real		
20		property	50	100
21		(2) tampering or attempting to tamper		
22		with property or real property, or		
23		moving, manipulating or setting in		
24		motion any of the parts thereof,		
25		except when such property is under		
26		one's lawful control or possession	50	100
		(3) destroying, injuring, defacing,		
		or damaging property or real property	100	200
	36 CFR			
	2.32	(a) the following are prohibited:		
		(1) threatening, resisting, intimi-		
		dating, or intentionally interfering		
		with a government employee or agent		
		engaged in an official duty or on		
		account of the performance of an		
		official duty		M/A
		(2) failure to obey a lawful order	100	200
		(3) knowingly giving false or ficti-		
		tious report or other false		
		information to an authorized person		
		investigating an accident or violation		
		of law or regulation or on an		
		application for a permit	50	100

			<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1				
2	<u>VIOLATION</u>			
3		(4) knowingly giving a false report		
4		for the purpose or misleading a		
5		government employee or agent in the		
6		conduct of official duties, or making		
7		a false report that causes a response		
8		by the United States to a fictitious event		M/A
9	36 CFR			
10	2.33	(b) failure to report an incident		
11		resulting in injury to persons or		
12		damage to property in excess of \$100	25	50
13	36 CFR			
14	2.34	(a) the following are prohibited:		
15		(1) engaging in fighting or		
16		threatening, or in violent behavior	50	100
17		(2) use of language, an utterance,		
18		or gesture, or engaging in a display		
19		or act that is obscene, physically		
20		threatening or menacing, or done in		
21		a manner that is likely to inflict		
22		injury or incite an immediate breach		
23		of the peace	50	100
24		(3) making noise that is unreasonable	50	100
25		(4) creating or maintaining a		
26		hazardous or physically offensive		
		condition	50	100
	36 CFR			
	2.35	(a)(2) the following are prohibited:		
		(i) the sale or gift of an alcoholic		
		beverage by a person under 21		
		years of age, except where		
		allowed by State law	100	200
		(ii) possession of an alcoholic bev-		
		erage by a person under 21 years		
		of age, except where allowed by		
		State law	25	50
		(iii) carrying a bottle, can or other		
		receptacle containing an alco-		
		holic beverage that has been opened,		
		or a seal broken, or the contents		
		partially removed, within a motor		
		vehicle upon a park road or		
		designated parking area	50	100

1			PRE-SET	CUSTODY
2	<u>VIOLATION</u>		<u>COLLATERAL</u>	<u>RELEASE</u>
3		(iv) storing a bottle, can or other		
4		receptacle containing any		
5		alcoholic beverage that has		
6		been opened, or seal broken or		
7		the contents of which have been		
8		partially removed, within a		
9		motor vehicle passenger		
10		compartment, upon a park road		
11		or designated parking area	50	100
12		(3) consumption of alcohol in an		
13		area closed to drinking	25	50
14		(b)(1) delivery of a controlled		
15		substance	250	250
16		(2) possession of a controlled sub-		
17		stance	50	100
18		(c) presence in a park area when		
19		under the influence of alcohol or a		
20		controlled substance to a degree that		
21		may endanger oneself or another		
22		person, or damage property or park		
23		resources	50	100
24	36 CFR			
25	2.36	(a) gambling in any form, or the		
26		operation of gambling devices is		
27		prohibited	25	50
28	36 CFR			
29	2.37	soliciting or demanding gifts, money,		
30		goods or services is prohibited,		
31		except pursuant to terms and		
32		conditions of a permit	25	50
33	36 CFR			
34	2.38	(a) using, possessing, storing or		
35		transporting explosive, blasting		
36		agents or explosive materials is		
37		prohibited, except pursuant to terms		
38		and conditions of a permit	250	250
39		(b) using or possessing fireworks		
40		and firecrackers is prohibited, except		
41		pursuant to terms and conditions of a		
42		permit	25	50

			<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1				
2	<u>VIOLATION</u>			
3		(c) violation of terms and condi-		
4		tions of a permit is prohibited	100	200
5	36 CFR			
6	2.50	(e) violation of terms and condi-		
7		tions of a permit is prohibited	250	250
8	36 CFR			
9	2.51	(a) public assemblies, meetings,		
10		gatherings, demonstrations, parades,		
11		and other public expressions of views		
12		prohibited without permit	50	100
13		(h) persons engaged in activities		
14		covered under this section are		
15		prohibited from obstructing or		
16		impeding pedestrians or vehicles, or		
17		from harassing park visitors with		
18		physical contact	50	100
19	36 CFR			
20	2.52	(a) sale or distribution of printed		
21		matter is prohibited without permit	50	100
22		(h) persons engaged in activities		
23		covered under this section are		
24		prohibited from obstructing or		
25		impeding pedestrians or vehicles,		
26		harassing park visitors with physical		
		contact or persistent demands	50	100
	36 CFR			
	2.60	(a) running-at-large, herding,		
		driving across, allowing on,		
		pasturing or grazing of livestock of		
		any kind in a park area or the use of		
		a park area for agriculture purposes		
		is prohibited	100	200
		(b) violation of terms and		
		conditions of a license, permit or		
		lease	100	200
	36 CFR			
	2.61	(a) residing in park areas, other		
		than on privately owned lands, except		
		pursuant to terms and conditions of a		
		permit, lease or contract is		
		prohibited	100	200

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2			
3	(b) violation of terms and conditions of permit is prohibited	100	200
4			
5	36 CFR		
6	2.62		
7	(a) installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited	25	50
8			
9	(b) scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in a designated area according to conditions established by Superintendent	25	50
10			
11	(c) failure to abide by area designations and established conditions is prohibited	25	50
12			
13	(d) violation of the terms and conditions of a permit is prohibited	25	50
14			
15	PART 3 - BOATING AND WATER USE <u>ACTIVITIES</u>		
16			
17	36 CFR		
18	3.1		
19	(a) Title 14, United States Code, Title 33, Code of Federal Regulation, Title 46, Code of Federal Regulation, Title 49, Code of Federal Regulation, and the laws and regulation of the State shall also apply	50	100
20			
21	Personal Flotation Device - adult	25	50
22	Personal Flotation Device - Child	50	100
23			
24	36 CFR		
25	3.2		
26	(b) displaying identifying markings identical to or resembling those prescribed for National Park Service vessels is prohibited	100	200
27			
28	36 CFR		
29	3.3		
30	(a) failure to secure required permit	100	200
31			
32	(b) violation of terms and conditions of a permit is prohibited	100	200

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2			
3	36 CFR		
4	3.4 (b) failure to report an incident to the superintendent as soon as possible is prohibited	25	50
5	36 CFR		
6	3.5 (c) violation of directions issued is prohibited	50	100
7	36 CFR		
8	3.6 the following are prohibited:		
9	(a) operating a vessel, or knowingly allowing another person to operate a		
10	vessel, in a reckless or negligent		
11	manner, or in a manner so as to endanger or be likely to endanger a		
12	person or property	250	250
13	failure to display a ski flag	25	50
14	(b) operating a vessel when under the influences of alcohol or controlled		
15	substance to a degree that may endanger oneself or another person or damage		
16	property or park resources	500	250
17	(c) failing to observe restrictions established by a regulatory marker	25	50
18	(d) operating a vessel in excess of 5 mph or creating a wake:		
19	(1) in areas so designated	25	50
20	(2) within 100 feet of a diver's		
21	marker, downed water skier or swimmer	25	50
22	(e) operating a vessel not propelled by hand within 500 feet of a location		
23	designated as a swimming beach or		
24	operating in excess of 5 mph in areas restricted to less than 500 feet		
25	passage or creating a wake	100	200
26	(f) allowing a person to ride on the gun wales, transom, or on the decking over the bow of a vessel propelled by machinery, operating in excess of 5 mph	50	100

		<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2	<u>VIOLATION</u>		
3	(g) attaching a vessel to or in-		
4	terfering with a marker, navigation		
	buoy or other navigational aid	25	50
5	(h) using trailers to launch or		
6	recover vessels, except at designated		
	launching sites	50	100
7	(i) launching a vessel propelled by		
8	machinery at other than designated		
	launch sites	25	50
9	(j) operating a vessel propelled by		
10	machinery on waters not directly		
	accessible by road	25	50
11	(k) launching or operating airboats	25	50
12	(l) operating a vessel in excess of		
13	designated size, length or width		
	restrictions	25	50
14	36 CFR		
	3.7		
15	operating a vessel in or upon inland		
16	waters so as to exceed a noise level of		
	82 decibels measured at a distance of		
	82 feet from the vessel is prohibited	50	100
17	36 CFR		
	3.20		
18	(a) the towing of persons by vessel is		
	prohibited, except in designated		
	waters	50	100
19	(b) where towing authorized, the		
20	following are prohibited:		
21	(1) towing between the hours of sunset		
	and sunrise	50	100
22	(2) towing without one person (other		
23	than the operator) observing the		
	progress of the person being towed	50	100
24	(3) towing a person who is not wearing		
25	a personal flotation device	25	50
26	. . .		

1			PRE-SET	CUSTODY
2	<u>VIOLATION</u>		<u>COLLATERAL</u>	<u>RELEASE</u>
3		(4) towing or being towed in channels		
4		or within 500 feet of areas designated		
5		as harbors, swimming beaches, or		
6		mooring areas, or within 100 feet of a		
7		person fishing or swimming, or a		
8		diver's marker	100	200
9	36 CFR			
10	3.21	(a) the following are prohibited:		
11		(1) swimming or bathing in location		
12		designated as closed	25	50
13		(2) swimming or bathing in violation		
14		of designated restrictions	25	50
15		(3) swimming from vessels which are		
16		underway	25	50
17		(b) violation of conditions of		
18		swimming beaches	25	50
19	36 CFR			
20	3.22	use of surfboards and similar rigid		
21		devices within locations designated as		
22		swimming beaches is prohibited	25	50
23	36 CFR			
24	3.23	the following are prohibited:		
25		(a) scuba diving and snorkeling		
26		within locations designated as		
27		swimming, docking, or mooring areas	25	50
28		(b) diving in waters open to the use		
29		of vessels, other than those propelled		
30		by hand, without displaying a standard		
31		diver's flag	25	50
32				
33		PART 4 - VEHICLES AND TRAFFIC		
34		<u>SAFETY</u>		
35	36 CFR			
36	4.1	unless covered herein, state laws and		
37		regulations are applicable	25	50
38	. . .			

			<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1				
2	<u>VIOLATION</u>			
3	36 CFR			
4	4.3	(a) bicycle riders must comply with all applicable traffic regulations	25	50
5		(b) each bicycle must exhibit a white light on the front and a red light or red reflector on the rear during periods of low visibility or during the period between sundown and sunup	25	50
6				
7				
8		(c) in natural and historical areas the use of bicycles is prohibited, except on established public roads and parking areas, and on routes designated for their use by the posting of signs or by marking on a map which shall be available at the office of Superintendent	25	50
9				
10				
11				
12		(d) in recreational areas, the use of bicycles is permitted unless restricted by posted signs or by marking on a map	25	50
13				
14	36 CFR			
15	4.4	an operator of a vehicle used to provide commercial towing service for another vehicle following an accident or for any other reasons must give immediate notice to the Superintendent before moving the vehicle	100	200
16				
17				
18	36 CFR			
19	4.5	driving or permitting another person to drive a vehicle unless such operator has a valid license is prohibited	50	100
20				
21		driving on revoked or suspended license is prohibited	350	250
22	36 CFR			
23	4.6	driving under the influence of intoxi- cating liquor or drugs is prohibited	500	250
24				
25	. . .			
26	. . .			

			<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1				
2	<u>VIOLATION</u>			
3	36 CFR			
4	4.7	no operator of a motor vehicle shall		
5		enter or leave the park with such		
6		vehicle at any place except established		
7		entrances and exits	25	50
8	36 CFR			
9	4.8	excessive acceleration of the engine of		
10		a motor vehicle or motorcycle when such		
11		vehicle is not moving, or is approaching		
12		or leaving a stopping place is		
13		prohibited	25	50
14	36 CFR			
15	4.9	giving of any false or fictitious report		
16		or information to any authorized person		
17		investigating an accident or other		
18		violation of law or regulations is		
19		prohibited	50	100
20	36 CFR			
21	4.10	operator of a vehicle shall not follow		
22		another vehicle more closely than is		
23		reasonable and prudent	25	50
24	36 CFR			
25	4.11	(a) load, weight, length and width		
26		limitations of vehicles except as		
27		provided herein, shall be in accordance		
28		with applicable state law	50	100
29		(b) no vehicle, or load thereon, the		
30		total outside width of which exceeds 8		
31		feet, shall be permitted on park roads		
32		without a permit from the		
33		Superintendent	50	100
34		(c) trailers more than 35 feet long are		
35		prohibited without permit from the		
36		Superintendent	50	100
37		(d) transporting explosives in any		
38		quantity or form without a permit from		
39		the Superintendent is prohibited	250	250
40	. . .			

1				
2	<u>VIOLATION</u>	<u>PRE-SET</u>	<u>COLLATERAL</u>	<u>CUSTODY</u>
3				<u>RELEASE</u>
4				<u>BAIL</u>
5	(e) no motor vehicle shall be operated with a side mirror of auxiliary detachable type which extends more than 6 inches beyond the side fender line of either side of the motor vehicle	50		100
6	36 CFR			
7	4.12			
8	(a) every motor vehicle shall be equipped with a muffler in good working order at any time motor vehicle is operating	25		50
9	(b) operating a motor vehicle equipped with a muffler cut-out, by-pass or similar device is prohibited	25		50
10				
11	36 CFR			
12	4.13			
13	(a) stopping, parking or leaving any vehicle, whether attended or unattended, upon the paved or maintained surface of a road so as to leave less than 10 feet of the width of the same traffic lane for the free or unobstructed movement of other vehicles or upon a designated fire lane is prohibited	25		50
14				
15	(b) causing or permitting a motor vehicle under one's control to obstruct traffic by making turns from the wrong traffic lane, or by weaving in and out of traffic, or by driving so slowly as to interfere with the normal flow of traffic, or in any other manner, is prohibited	25		50
16				
17				
18				
19				
20	36 CFR			
21	4.14			
22	driving or operating any vehicle carelessly or heedlessly, or in wilful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent is prohibited	250		250
23				
24				
25	. . .			
26	. . .			

		<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2	<u>VIOLATION</u>		
3	36 CFR		
4	4.15		
5	(a) the operator of any vehicle involved		
6	in collision or upset resulting in damage		
7	to property or injury to or death of any		
8	person shall immediately stop such		
9	vehicle at the scene of the accident or		
10	as close thereto as possible	250	250
11	(b) the operator of any vehicle involved		
12	in collision or upset shall at the time		
13	and place of the incident give in writing		
14	his name and address and identification		
15	of his vehicle to the operator or owner		
16	of other property involved	100	200
17	(c) the operator of any vehicle involved		
18	in collision with an unattended vehicle		
19	or other property in the absence of the		
20	owner shall at the time and place of		
21	incident leave in a secure and		
22	conspicuous place a written notice		
23	setting forth the name and address of the		
24	operator and owner and identification of		
25	the moving vehicle, including state		
26	registration and license number	250	250
27	(d) the operator of any vehicle involved		
28	in collision or upset shall give notice		
29	of such accident forthwith by the		
30	quickest available means of communication		
31	to the Superintendent	50	100
32	36 CFR		
33	4.16		
34	(a) the operator of any vehicle, when		
35	being approached from any direction by		
36	any authorized emergency vehicle giving		
37	an audible or visual signal, shall yield		
38	the right of way to the emergency		
39	vehicle	50	100
40	(b) pedestrians, saddle horses, pack		
41	trains and horse-drawn vehicles have		
42	right of way over motor vehicle	25	50
43	. . .		
44	. . .		

			<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1				
2	<u>VIOLATION</u>			
3	36 CFR			
4	4.17	(a) speed in excess of maximum limits		200
5		(1) 15 mph zone: \$5.00 fine per mile over limit	\$5.00 per mile	
6		(2) 25 mph zone: \$5.00 fine per mile over limit	\$5.00 per mile	
7		(3) 45 mph zone: \$5.00 fine per mile over limit	\$5.00 per mile	
8		(b) specifically posted speed limits: \$5.00 fine per mile over limit	\$5.00 per mile	
9				
10	36 CFR			
11	4.18	(a) violation of post regulations	25	50
12		(b) all persons shall obey the lawful order or signal of any authorized person directing, controlling or regulating the movement of traffic	100	200
13				
14		(c) the operator of a motor vehicle shall comply with and observe all visual or audible signals given by any authorized person directing the operator to bring his motor vehicle to a stop	100	200
15				
16				
17	36 CFR			
18	4.19	(a) use of motor vehicles off established roads and parking areas is prohibited	50	100
19				
20		(c) vehicle suitability		
21		(1) operating a motor vehicle other than a wheeled vehicle equipped with pneumatic tires is prohibited	25	50
22				
23		(2) operation of motor vehicle that will damage or be likely to damage the surface of the road or route is prohibited	250	250
24				
25				
26	. . .			

			PRE-SET COLLATERAL	CUSTODY RELEASE BAIL
1				
2	<u>VIOLATION</u>			
3		(e) a motor vehicle operated off		
4		established roads and parking areas,		
5		from a 1/2 hour after sunset to a 1/2		
6		hour before sunrise, shall be equipped		
7		with lighted headlights and taillights		
8		which comply with the laws and		
9		regulations for operation on the roads		
10		of the state within whose exterior		
11		boundaries the park area or portion		
12		thereof is located	25	50
13	36 CFR			
14	4.20	operation of motor vehicle which does		
15		not bear valid license plates and is		
16		not properly certificated or		
17		registered in accordance with		
18		applicable state laws is prohibited	50	100
19		operating a motor vehicle with		
20		fictitious license plates is		
21		prohibited	100	200
22	36 CFR			
23	4.21	a motor vehicle shall be equipped with		
24		brakes in good working order in		
25		accordance with the laws and		
26		regulations for operation on the roads		
27		of the state within whose exterior		
28		boundaries the park area or portion		
29		thereof is located	25	50
30	36 CFR			
31	4.22	hitchhicking, or the solicitation of		
32		transportation is prohibited	25	50
33				
34		PART 5 - COMMERCIAL AND PRIVATE		
35		<u>OPERATIONS</u>		
36	36 CFR			
37	5.1	advertising without permit	50	100
38	36 CFR			
39	5.2	(a) the sale of alcoholic,		
40		spirituous, vinous, or fermented		
41		liquor, containing more than 1% of		
42		alcohol by weight, shall conform with		
43		all applicable federal, state and local		
44		laws and regulations	50	100

		<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2	<u>VIOLATION</u>		
3	(b) no such liquor shall be sold on		
4	any privately owned lands under the		
5	legislative jurisdiction of the		
6	United States within Glacier, Lassen,		
7	Volcanic Mesa Verde, Mount McKinley,		
8	Mount Rainier, Olympic, Rocky		
9	Mountain, Sequoia-Kings Canyon,		
10	Yellowstone or Yosemite National		
11	Parks unless a permit for the sale		
12	thereof has first been secured from		
13	the appropriate Regional Director	50	100
14	36 CFR		
15	5.3		
16	engaging in or soliciting any		
17	business in park areas, accept in		
18	accordance with the provisions of a		
19	permit, contract or other written		
20	agreement with the United States, is		
21	prohibited	100	200
22	36 CFR		
23	5.4		
24	(a) commercial transportation of		
25	passengers by motor vehicles except		
26	as authorized under a contract or		
27	permit from the Secretary of his		
28	authorized representative is		
29	prohibited	50	100
30	(b) passenger-carrying motor		
31	vehicles otherwise admissible, that		
32	are so large as to require special		
33	escort in order to proceed safely		
34	over park roads, or which in		
35	judgment of the Superintendent are		
36	beyond the carrying capacity of		
37	safety factor of the roads, will not		
38	be permitted in the parks, except		
39	that, where they may satisfactorily		
40	enter and travel to park headquarters		
41	they may be parked there during the		
42	period of stay	50	100
43	36 CFR		
44	5.5		
45	(a) commercial television or motion		
46	pictures is prohibited without permit	500	250
47	(b) commercial still photograph is		
48	prohibited without permit	500	250

	<u>VIOLATION</u>	<u>PRE-SET COLLATERAL</u>	<u>CUSTODY RELEASE BAIL</u>
1			
2	36 CFR		
3	5.6 (b) use of government roads within		
4	park areas by commercial vehicles,		
5	when such use is in no way connected		
	with the operation of the park area,		
	is prohibited	100	200
6	36 CFR		
7	5.7 constructing or attempting to		
8	construct a building, or other		
9	structure, boat dock, road, trail,		
10	path, or other way, telephone line,		
11	telegraph line, power line or any		
12	other private or public utility,		
	upon, across, over, through or under		
	any pay areas, except in accordance		
	with the provisions of a valid		
	permit, contract or other written		
	agreement with the United States is		
	prohibited	M/A	250
13	36 CFR		
14	5.8 (a) the proprietor, owner, or		
15	operator of any hotel, inn, lodge or		
16	other facility or accommodation		
17	offered to or enjoyed by the general		
18	public within any park area is		
19	prohibited from discriminating		
	against any employee or maintaining		
	any employment practice which		
	discriminates	M/A	250
20			
21	(b) each such proprietor, owner or		
22	operator must post required notices	25	50
23	36 CFR		
24	5.9 (a) the proprietor, owner or		
25	operator and the employees of any		
26	hotel, inn, lodge or other facility		
	accommodation offered to or enjoyed		
	by the general public within a park		
	area and, while using such a park		
	area, any commercial passenger-		
	carrying motor vehicle transportation		
	service and its employees are		
	prohibited from discriminating		
	because of race, creed, color,		
	ancestry or national origin	M/A	250
	(b) each such proprietor, owner or		
	operator must post required notices	25	50

VIOLATION

PRE-SET
COLLATERAL

CUSTODY
RELEASE
BAIL

36 CFR

5.10

(a) no establishment offering food, drink or lodging for sale on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite National Parks may be operated without a permit

M/A

250

(b) such establishment shall be maintained and operated in accordance with the rules and regulations recommended by the United States Public Health Service, and the substantive requirements of state and local laws and regulations

100

200

36 CFR

5.13

creation or maintenance of a nuisance upon the federally owned lands of a park area or upon any private lands within a park area under the exclusive jurisdiction of the United States is prohibited

100

200

36 CFR

5.14

prospecting, mining, and the location of mining claims under the general mining laws and leasing under the mineral leasing laws are prohibited in park areas, except as authorized by law

100

200

This Amended Special Order supersedes all previous orders relative to this matter.

DATED: Sept. 4, 1984

Edward C. Reed.
CHIEF, UNITED STATES DISTRICT JUDGE

[Signature]
UNITED STATES DISTRICT JUDGE

[Signature]
UNITED STATES DISTRICT JUDGE